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Convention on the Elimination of All Forms of Discrimination against Women

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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined initial to third periodic reports of the Federated States of Micronesia

Addendum

Replies of the Federated States of Micronesia*

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Note: The present document is being circulated in English, French and Spanish only.
* The present document is being issued without formal editing.

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Issue No. 1

1. Micronesia's reservations to certain articles of the Convention on the Elimination of All Forms of Discrimination Against Women (Convention) are presently under review, both at the national and state levels of government. And given the importance of this review on whether to withdraw or sustain the reservations, discussions between the executive and congress have taken place as well. The executive is assessing the continuing applicability and relevance of the reservations considering the cultural, social and legal settings of Micronesia, and it shall remain engaged with congress during this process.

Issue No. 2

2. As indicated, Micronesia comprises of the four major islands forming the four states of the federation each with its own state constitution that must be consistent with the national constitution, which guarantees to everyone, including women, the rights of due process and non-discrimination. It is worth repeating that the state constitutions have similar provisions affirming the principle of non-discrimination towards every person including women. And these guaranteed rights are being enforced both at the national and state levels of government. F or instance, women do enjoy equal employment opportunities as men both in the government and private sectors. Women are free to seek elective positions in the Government. As a matter of fact, there are women candidates presently vying for elective seats in the national congress. Furthermore, there are women who are occupying important positions in Micronesia-cabinet positions, judges and public service posts. So, the steps needed to incorporate the provisions of the Convention into the domestic laws have already started. Nonetheless, it is acknowledged that there are areas where the provisions of the Convention need further domestication process in order to minimize gaps, such as the gender-based violence (GBV), maternity leave, women's participation in politics. Kosrae State has taken step towards closing some of these gaps through the recent passage of the Kosrae Family Protection Act. Other states are still considering similar measure. In the national Government, maternity leave is allowed up to six paid weeks in connection with the birth of a child of an employee.

3. Additional steps taken to incorporate the provisions of the Convention includes the enactment of the Trafficking in Person Acts of 2012. See, para. 99, State party report.

4. The national strategic plan of Micronesia covering the years 2004-2023 includes a national policy on gender that provides a gender matrix detailing the direction of the Government on gender issues, and the steps needed to address them.

5. The law reform measures currently underway include the "no drop policy" whereby cases that are brought to court are pursued even after the customary pardon is given to the perpetrator. This is partly due to the Government's backing of women forums in the country to encourage them to come forward and talk openly about their issues with open invitation to relevant sectors of the Government to provide education and awareness on people's rights including women's rights. Over the years, more and more cases are taken through the court system even when perpetrators seek pardon from families. So even though pardons are granted, the

families are now telling the perpetrators that they are forgiven but they will allow the court system to run its course on the case.

Issue No. 3

6. Discrimination against women is presently considered illegal in accordance with the national and state constitutions.[1] For this reason, civil rights laws can be invoked in order to give effect to this constitutionally guaranteed right against discrimination. More specifically, 11 F.S.M.C. § 702.2[2] which is a national statute, grants all persons, including women, full and equal enjoyment of goods, services, facilities, privileges, advantages, and accommodations of any department, agency, or institution of, or acting on behalf of, the Federated States of Micronesia; or any public accommodation which affects commerce. To further ensure that these constitutionally guaranteed rights are given effect, 11 F.S.M.C. § 701 considers as crime the act of wilfully depriving another of, or injuring, oppressing threatening, or intimidating another in right, privilege, or immunity secured to him by the Constitution.

7. Micronesia's civil right of non-discrimination against women secured in the national constitution and statute ensures that the whole of the government apparatus, including at state level, complies with the national guarantee of civil rights. As the FSM Supreme Court states.

8. State autonomy should be as wide-ranging as possible, but it is subject to the limits of the FSM Constitution. A state may not exceed the scope of its power by reliance on a state constitutional provision where to do so prevents enforcement of national civil rights legislation.

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[1] Art. IV Sec. 3 of the FSM Constitution states that: "A person may not be deprived of life, liberty, or property without due process of law, or be denied the equal protection of the laws." Sec. 4 further states that: "Equal protection of the laws may not be denied or impaired on account of sex, race, ancestry, national origin, language, or social status." In interpreting sections 3 and 4, the FSM Supreme Court stated that: "Constitutional guarantees of equal protection apply if the discrimination is based on the individual's membership in one of the classes enumerated in art. IV, § 4, or if discrimination affects a "fundamental right." The law is then subject to a strict scrutiny review, under which it will be upheld only if gov't can demonstrate that the classification upon which that law is based bears a close rational relationship to some compelling governmental interest. But if the law does not concern an enumerated class or a fundamental right, the question becomes whether the classification is rationally related to a legitimate governmental purpose." FSM Social Security Admin. v. Weilbacher, 7 FSM Intrm. 137, 146 (Pon. 1995).

[2] 2 § 701. Deprivation of rights.
(1) A person commits a crime if he or she wilfully, whether or not acting under the colour of law, deprives another of, or injures, oppresses, threatens, or intimidates another in the free exercise or enjoyment of, or because of his or her having so exercised any right, privilege, or immunity secured to him by the Constitution or laws of the Federated States of Micronesia, the laws of the Trust Territory of the Pacific Islands, or the Constitution or laws of the United States of America which are applicable to the Federated States of Micronesia.
(2) A person convicted under this section shall be imprisoned for not more than ten years.
(3) A person who deprives another of any right or privilege protected under this section shall be civilly liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, without regard to whether a criminal case has been brought or conviction obtained. In an action brought under this section, the court may award costs and reasonable attorney's fees to the prevailing party.

9. The supremacy clause of the FSM Constitution does not admit a result where a state constitutional provision prevents the enforcement of a national statute which gives a private cause of action for rights guaranteed by the FSM Constitution, especially when it is the solemn obligation of state governments to uphold the principles of the FSM Constitution and to advance the principles of unity upon which the Constitution is founded.

10. A state may not use its own constitution to defeat enforcement of a judgment entered on a civil rights claim brought pursuant to the mandate of the national constitution and statutes. Thus, a state constitutional provision will not prevent a civil rights plaintiff from using national execution procedures to obtain satisfaction of his judgment. Louis v. Kutta, 8 FSM Intrm. 208, 213 (Chk 1997).

11. To further integrate non-discrimination principle, monitoring mechanisms are in place. As an example, the establishment of the national gender desk and women interest officers at the state level along with the presidential order, which created a human rights taskforce formed, the machinery charged with promoting and protecting human rights including women's rights. Preliminary planning is being done with the current administration to establish a national human rights institution.

12. With respect to specific cases where the Convention is invoked by domestic courts, there would be no need to specifically invoke the provisions of the Convention because the appropriate legal authority for the purpose of pleading in court would be the domestic laws that implement the Convention — for instance, title 11 of the FSM Code as well as the provisions of the national and state constitutions that guarantee non-discrimination.

Issue No. 4

13. The geographic dispersion and resource scarcity are two major continuing impediments upon bringing justice to women living in the outer and neighbouring islands. But these impediments are not gender-specific, but rather, they do apply to the general population. Municipal level courts are available to women seeking judicial remedies. Another measure of improvement is the increasing number of female judges at the municipal governments whereas in the previous years, it was quite unlikely to find women as judges.

14. The Micronesian Legal Services Corporation (MLSC) is providing free legal assistance to those in need including women in the four states. The national Government is supporting MLSC through annual financial subsidy. MLSC is providing free legal services, such as securing restraining orders to protect female spouses from abusive husbands. At the moment, MLSC can provide legal representation in all types of cases excluding criminal cases. Although data are not readily available at this time, there are indications that women population in Micronesia is benefiting from free legal services. MLSC is also providing awareness campaigns especially in the outer islands in order to educate people (and women) of their rights under the law. Micronesia will look into establishing a reporting scheme that would show tangible progress and utilization of legal services at the state level relative to future reports under the Convention.

15. To further strengthen the availability of legal services, there is a plan in the national Government to establish a division in the Office of Public Defender that

will provide free legal defence to anyone including women, who might be unable to secure the legal services from MLSC.

Issue No. 5

16. The National Congress did not act on this proposed bill establishing a gender affairs cabinet portfolio as introduced in the 18th FSM Congress. The institution currently mandated to monitor and implement women's rights is the division of social affairs of the FSM Department of Health and Social Affairs. Among the activities of this division are helping the advancement of women and supporting the women's conferences that have taken place every other year for the past eight years, enabling women representing all walks of life to participate at these conferences to engage in open discussions relevant to the women in the nation so that collectively they can work together to address the gender-based issues. The last women conference held in October last year looked at accessibility to services including education, health, employment, financing, and justice. Speakers at the conference encouraged women associations/groups to share their challenges in accessing services and recommend suitable strategies to address them. The conference provided women with the opportunity to be aware of their rights and their roles in and contributions to society.

Issue No. 6

17. Although there are no specific legislations aimed at increasing the number of women in all fields including areas of decision-making levels, various programmes, agencies, and organizations within Micronesia are administering various programmes to address gaps among genders. One example is the work currently underway in establishing a gender policy. Having both men and women participate at their fullest potential underpins the gender policy. This policy ensures that Micronesia addresses issues that are inhibiting women's ability to advance on six following areas. These areas are:

18. Better representation of women in decision making; (2) Elimination of GBV; (3) Better access to education and transition to work for both girls and boy; (4) Address barriers facing women in the workforce; (5) Women can control their fertility and space their children; and (6) Gender mainstreaming. Other programmes such as the Green Climate Fund (GCF) that provides funding opportunities for countries to invest in low emission or climate resilient development are helping Micronesia to include outcomes addressing women's needs by requiring that any proposed projects seeking GCF funding must describe how women can benefit from these projects. A workshop on this funding scheme was recently conducted giving Micronesia the opportunity to build capacity on how to formulate projects that consider gender sensitivity.

Issue No. 7

19. From the time the reservations were made, Micronesia has seen positives changes in light of its commitment under the Convention. Some of these changes are as follows:

- More awareness campaign regarding women's rights;

- Presence of NGOs in the country advocating for women's rights;
- Annual Women's Day being celebrated every year throughout the nation;
- Advocacy by organizations, such as MLSC, to educate women regarding their rights;
- Public laws are accorded supremacy over traditional or cultural norms, meaning to say, culture and tradition cannot be used as excuse to violate public law; and
- More women are getting educational opportunities supported by government scholarships. A number of women have pursued law studies and other bachelor degree mostly in the United States.

20. The adoption of gender equality policy represents a formalization of positive changes that have developed so far. This proposed policy is currently being reviewed for finalization, providing an opportunity for stakeholders to participate in a consultation round in each of the states where open discussions could take place with respect to the stereotypes and harmful practices that the proposed policy seeks to remedy. At previous state consultations, various genders were equally represented. The facilitation of the consultations highlighted that gender roles changed over time among other things, and that the cultural norms prevalent before that encouraged stereotypes or harmful practices once considered as socially acceptable had changed due in part to information about women's rights, more cultural awareness and education, where equal participation and safety of both women and men are considered imperative.

21. Some of the challenges faced in addressing gender stereotypes in Micronesia are largely due to the cultural values that have long been practiced. Additionally, there are different ethnic groups within Micronesia separated by vast ocean space that creates further isolation of islands and difficulty in reaching out to people on those islands in order to address stereotypes and harmful practices that exist within their isolated communities. Nonetheless, it was clear from the gender policy consultations that men are beginning to accept the participation of both genders. In schools, compulsory education policy is in effect, mandating that both boys and girls be enrolled in school to ensure that they complete primary and secondary schools. Another success has been achieved in Chuuk State by the passage of state law raising the age of consent from 13 to 18. The other states are considering similar changes.

Issue No. 8

22. In Micronesia, public prosecutors are vested with prosecutorial discretion. No law on mandatory prosecution is required because prosecutors can bring criminal charges in court anytime based upon their professional judgment and assessment of the evidence. Where sufficient evidence exists in a case, regardless of the victim's gender, a prosecutor has a legal discretion to initiate criminal action. In cases involving women victims, there are existing remedies under law such as restraining orders protecting women in their protection in their homes and in society. Legal services are available to them for free.

23. The findings of the Family Health and Safety Study for Micronesia were an eye-opener for the national line departments implementing the survey. Micronesia is making efforts to raise public awareness on this important issue. This was done in a number of channels or forums; some of those are identified in paragraph 15 of these responses. There were sessions held in each of the four states of Micronesia by the Department of Health and Social Affairs to report on the key findings of the study. However, because this issue is sometimes resisted within the communities based on cultural beliefs, the Department of Health and Social Affairs with the support of the UNFPA took the opportunity to launch the results of the study at the national FSM women conference whereby the first lady of Micronesia delivered the launch message. The presence of the FSM President and the First Lady attracted people's attention to the conference giving the amount of exposure that the launching of the family health and safety survey needed. Subsequently, the states in Micronesia are picking up their own methods to respond to this national launching of the survey. For instance, in Pohnpei State, its governor established a taskforce that would raise public awareness of the issue with the goal towards creating support to the passage of the pending family protection bill. UNFP A and the national Department of Health and Social Affairs have supported this effort. Other states will follow suit once financial support is made available to them in due course. In the meantime, consultations were held with the members of state legislatures in the four states in order to garner further interest in passing a family protection bill.

24. Whereas data could be available at the state level, there is no established mechanism at the moment to collect data from the four states that are specific to women or gender. This is something that the national institution mandated to monitor the implementation of women's rights and the impact that its work has had in accelerating the advancement of women in Micronesia needs to work with the states. Perhaps the only tangible national data being used at the moment on GBV is from the nationally implemented and recognized Family Health & Safety Study. This study, done and published in 2014, indicated the high prevalence of sexual child abuse for children in the country under the age of 15. The study reported that among the subjects for the survey, 14% of those experienced sexual abuse before they reach 15 years of age. Currently, there is no established mechanism in place to streamline data to the national Government of Micronesia to report yearly on the incidence rate of child marriage and incest in-country.

Issue No. 9

25. Penalties for sexual offenses are provided by statutes that have been in place for many years. These laws are presently being reviewed in order to conform to the standards and recommendations under the Convention. Any such changes in the law will require study and nationwide consultation. Micronesia will appreciate technical assistance in this regard.

Issue No. 10

26. At the moment, the only efficient coordination mechanism in place to ensure effective multi-sectoral response to GBV against women is through the mobilization of various agencies, including women groups, health services, public safety, technical partners and agencies, and members of the diplomatic corps, to rally behind the

public awareness campaigns on this issue to different audiences including the legislative branch to encourage the passage of the family protection bill.

27. There are shelters in the four states, and they are supported mostly by NGOs. Among the challenges faced by these shelters is the fact that they are not fully equipped with facilities that would adequately house victims.

Issue No. 11

28. Since the passage of Trafficking in Persons Act of 2012, efforts towards criminal investigation and prosecution have intensified. In 2015 alone, there was tremendous increase of government efforts on law enforcement relating to trafficking in persons. That year, there was one case of conviction involving sexual exploitation of 8 female victims. That person was sentenced to 10 years of imprisonment. That year, there were 5 new investigations of suspected child sex trafficking, 3 of those cases resulted in charges made in court. This year, there are a few cases relating to suspected trafficking in persons, however, none has warranted immediate filing in court.

29. Some of the challenges faced by Micronesia are the lack of safe houses set up or designed to home children that have been displaced or separated from their parents or victims on trafficking. However, there are houses or organizations such as Every Home, Salvation Army, and church organizations that assist in providing temporary shelter to children victims of abusive family conditions and cases involving trafficked children. In the past, where child/woman victims were involved as witnesses, the Department of Justice had to move these victims from one state to another awaiting court trial for their protection. It is acknowledged that formal programmes, such as witness protection programme, need to be established.

30. Micronesia has no specific data regarding victims of trafficking in persons. Nonetheless, it has demonstrated increased intensity and improved efforts in combatting human trafficking. Its effort has been recognized in the US State Department Trafficking in Person reports, placing Micronesia in consistently improved ratings. For instance, in 2009 and 2010, Micronesia was on tier 2 watch list and even tier 3 in 2011. However, starting in 2012 and 2013, it recovered to tier 2 watch list and then further up to tier 2 for 3 years now starting in 2014. Tier 2 means that Micronesia Government does not fully meet the United States minimum standards, but it is making significant efforts to meet those standards.

Issue No. 12

31. The national Government of Micronesia is making progress towards endorsing a gender equality policy by which it will ensure that women and men are equally benefiting from and responsible for the development of the nation. There is increased participation of women in all levels of decision-making, including the executive branch. In the legislative branch, women are making incremental progress. For instance, two women candidates (a doctor and a lawyer) are vying for congressional seats. If both candidates were successful, it would be a historic victory for the nation as a whole in terms of gender equality under the Convention.

32. With respect to a bill calling for a temporary special measure of setting reserved seats for women in congress, this bill has not mustered enough endorsement. The bill could be reintroduced in the future.

Issue No. 13

33. This issue is being reviewed and studied for possible solution that will effectively address the situation. Further, while it is noted that specialized health facilities are not fully available in public school campuses, the national Government is examining this challenge for possible immediate remedies.

34. In any case, the constitution of Micronesia recognizes the right of the people to education, and the national Government shall take every step reasonable and necessary to provide these services. See, FSM CONST. Art. XIII. Statutes are in place to implement this constitutional mandate, as follows: Title 40 of the FSM Code provides that education shall be provided and compulsory for all children from first grade through graduation form the eighth grade, or until 14 years. See, 40 F.S.M.C. § 104. By this law, even if a girl becomes pregnant, she remains under compulsion to re-enter school since pregnancy is not an excuse from compulsory education.

35. Whereas, no direct data is available at the moment to show dropout rates of girls owing to pregnancy and indirect costs to education, Micronesia is pleased to report that it is approaching universal school participation at the primary school with a gross and net enrolment ratio above 90 per cent.[3]

36. Primary schooling (grades 1-8) for children ages 6 to 13 is compulsory; while secondary schooling (grades 9-12) for ages 14-17 is non-compulsory.

Issue No. 14

37. It is important to reiterate that discrimination (including those against women) is prohibited by the national and state constitutions. Equal protection of the laws may not be denied or impaired on account of sex, race, ancestry, national origin, language, or social status. See, FSM CONST. Art. IV. And there are statutes in place that guarantee and enforce civil rights, among others, non-discrimination. For example, the National Government Public Service System Act provides that no employee in the public service shall be suspended, demoted, dismissed, laid off, or otherwise discriminated against because of sex, marital status, race, religious or political preference, place of origin, or ancestry. See, 52 F.S.M.C. § 116. Similar languages can be found in the state laws of the four states of Micronesia.

38. The national Public Service System sets forth the following standards and principles by which it shall be administered, which serve as additional measures of protection from any possible discrimination in respect to employment in the public service:

[3] According to 2000 Census data, gross enrolment ratio was 92.3 per cent (91.7 per cent male and 92.9 per cent female) at primary school. Net enrolment ratio was 96 per cent in 2009. At the high school level, gross enrolment ratio was 72.3 per cent (68.1 per cent male and 76.7 per cent female) while net enrolment ratio showed a figure of 69 per cent. Data available suggest that there is no systematic discrimination against girls in education.

(a) Equal opportunity for all regardless of sex, race, religion, political affiliation, ancestry, or place of origin;

(b) No discrimination against any person because of a physical handicap unconnected to his ability to perform effectively the duties of the position in which he is employed or in which he is seeking employment; provided that the employment of such physically handicapped person will not be hazardous to him nor endanger the health or safety of others, nor require major expenditures by the central Government to provide such employee or candidate for employment with an adequate place of work or access thereto;

(c) Impartial selection of the ablest person for public service by means of tests which are fair, objective, and practical;

(d) Just opportunity for competent employees to be promoted within the service;

(e) Reasonable job security for competent employees, including the right of appeal from adverse personnel actions as provided in this chapter;

(f) Systematic classification of all positions through objective job analysis;

(g) Fair and reasonable grievance procedures, appropriate to conditions of employment, for all employees; and

(h) Proper employer-employee relations to achieve a well-trained, productive, and happy work force.

39. Although there is no specific law on sexual harassment, but other existing laws partially cover this type of offense. For instance, in Pohnpei State, there are provisions of laws dealing with harassment through communication and obscene conduct in public places.[4] These provisions could be interpreted to include and be prosecuted as sexual harassment cases. As for the steps needed for the adoption of legislation governing sexual harassment, the Department of Health and Social Affairs through the President will request a bill for consideration by the FSM Congress, defining sexual harassment in the workplace and providing punishment for such conduct.

40. With respect to measures taken to ensure equal conditions of work, there are existing regulations addressing these matters. For instance, leaves of absence with pay may be granted to employees by management officials for reasons of vacations, illness, training, or education, or for such other reasons as will be in the best interests of the public services. Eligibility of such leaves, the method and rate of earning such eligibility, and the duration of the leave shall be established by

[4] A person who with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: ... (c) In a public place, uses abusive or obscene language, or makes an obscene gesture; ... shall be guilty of disorderly conduct, and upon conviction thereof shall be imprisoned for a period of not more than six months or fined not more than $100, or both such fine and imprisonment. See, 61 FC 9-111. Any person who intentionally harasses, annoys, threatens or alarms another person by means of obscene or offensive language or written description communicated, anonymously or otherwise, by telephone or other communication device shall be guilty of harassment via communications systems and upon conviction thereof shall be imprisoned for not more than six months, fined not more than $500, or both such fine and imprisonment. See, 61 PC 13-101.

regulations. Paid maternity leave of absence shall be granted to an employee for a period of six consecutive weeks per 12-month period. See, 52 F.S.M.C. 145.

41. With respect to current law on maternity leave in Kosrae State, there is no other law in place besides the authority given to the branch heads, or other appropriate management officials, who may grant leave of absence, with or without pay. See, 18 KSC 4-18.405.

Issue No. 15

42. Women have equal rights under the law, including the right to own property, and there were no institutional barriers to education or employment.

43. There are no recent statistics on unemployment, except for 2000 Census, which indicated unemployment rate at 22 per cent, up from 16 percent in 1994. Unemployment was highest in Chuuk at 34 per cent, followed by Kosrae with 17 per cent, Pohnpei at 12 per cent, and lowest in Yap at 4 per cent. Limited job opportunities in Micronesia impose constraints on the furtherance of rights of the people to life, liberty and property. Foreign investments and improved economic conditions are necessary in order for employment opportunities to flourish.

44. Manufacturing industry that complements the primary sectors in the economy, namely fishery, tourism and agriculture, must develop.

45. At any rate, data shows equality in school enrolment between males and females. The ratio of girls to boys in primary schooling increased from 0.92 to 0.94 between 1994 and 2000.[5] In the secondary education the figures were 0.98 and 1.05, respectively. The indicator shows a ratio of 0.70 in 1994 and 1.07 in 2000 in tertiary education. Literacy rate (age 15 to 19) was 96.4 for females while it showed 94.5 per cent for males. The age group 20-24 years old showed a literacy rate of 95.6 per cent for females and 93.9 per cent for males in 2000 literate females to males, ages 15-24 years was 96 per cent in 1994 and 97 per cent in 2000. The FSM Policy on compulsory education has assisted in female enrolment.[6]

Issue No. 16

46. The overall maternal mortality rate for the FSM is 93.211000 live births for 2015. Women's access to basic health-care services including obstetric care and sexual and reproductive health services are being addressed presently through the newly acquired funding from the US Centers for Disease Control and Prevention, which funding is instrumental in opening up more community health centres across the nation. As a result more healthcare services are available and being provided in the communities in addition to the services at the main hospitals. This programme is expected to reduce mortality associated with pregnancies.

47. Although lacking in statistics, the prevalence of cervical and breast cancer remains a serious concern for Micronesia. The cancer programmes across the nation are collaborating with other public health programmes, like immunization, in order

[5] 62000 Census data.

[6] Historically there has been gender bias against women in education in the FSM with literacy rate being lower for women than for men. However, by 2000, the trend has been reversed and indicative figures show women under 30 with higher literacy rate than men.

to address the high prevalence of both cervical and breast cancer. Where these programmes functioned as discrete programmes in the past, it is now realized that the synergy of these programmes are needed and required in order to achieve more positive outcomes.

48. Chuuk recently received funding for community health centres. This development is expected to achieve positive result in reducing infant mortality. With respect to women living in the outer islands and rural areas, an example of initiative being undertaken, albeit limited by funding considerations, is to provide Internet connectivity allowing communication with doctors or trained staff in the main hospitals for health advice. In any case, more trained healthcare personnel are needed to give support in this area.

Issue No. 17

49. Presently, there are no legislative changes being considered on abortion. There are no official statistics on abortion, and cases of abortion are rare in Micronesia.

Issue No. 18

50. In Micronesia, access to land, credit facilities and markets are available to everyone. A number of women are actively engaged in business throughout the nation. Current laws-both national and state laws-guarantee non-discrimination. Regarding reports of usurious practices, there are functioning regulations in place that require banks doing business in Micronesia to observe legislated usury limits. The FSM Banking Board is monitoring commercial banks' compliance with usury law by conducting off-site and on-site audits. See, title 29 of the FSM Code. With respect private loan transactions — or credit transactions involving entities other than commercials bank — there are no data available to determine whether usurious practices are taking place, or to what extent cases of usury occur. A possible legislative measure regulating credit unions and private lenders offering loans to the public is being considered for passage by the FSM Congress, but this initiative is yet to be formalized.

51. With respect to policy development affecting women, the FSM Department of Health and Social Affairs is supporting the bi-annual FSM Woman's Conference to encourage women take a more proactive role in society. The states are assigned the role of prioritizing topics that are deemed important, and some of these topics being discussed involved temporary special measure of reserving to women a seat in congress, women's participation in climate change issues and disaster risk management.

Issue No. 19

52. Micronesia has strong customary practices and extended family traditions of taking care of the disabled members of its population. Ongoing government programmes and assistance in addressing the special needs of disabled persons are reinforcing these customary practices.

53. Micronesia ratified the Convention on the Rights of Persons with Disability (CRPD) on December 7, 2016.

54. Micronesia has National Disability Policy that encourages the recognition and participation of women with disabilities at all levels of government.

55. The national Government is implementing a community based rehabilitation programme targeting disabled persons of all genders by carrying out assessment and extending assistance to meeting the special needs of disabled persons, e.g., physical and emotional needs. This programme, funded by the World Health Organization, has been in place since 2014. Many disabled persons, including women across the nation, have benefited from this programme. Some of the tangible benefits include:

- Training on the proper use and maintenance of access assistive devices;
- Training on physical rehabilitation techniques;
- Low-cost and self-sustaining special assistance for disabled persons; and
- Establishment of networks among communities for the purpose of sharing of resources and best practices.

56. Moreover, under the FSM Special Education Act of 1993, Micronesia is implementing its obligation to provide special education and necessary supplementary services to children with disability. Special education programme is a specially designed instruction at no cost to the parents to meet unique needs of children with disability, including instructions conducted in the classrooms, homes, hospitals and institutions. Children with disability include individuals from birth through age 21 who are evaluated as having mental retardation and other disabilities. Women members of the population do benefit from this programme.

Issue No. 20

57. Micronesia is based on an extended family setup. The entire community has cultural obligation to take care of women, children, and every member of the family. Should there be disadvantaged members, the whole community will be responsible for their care.

58. With respect to the marital age in Yap, there is ongoing discussion on this issue. State officials are taking the initial steps for a possible amendment to the current law. Micronesia will provide additional information in due course.

Issue No. 21

59. Climate change remains as a major issue for Micronesia, posing direct threat or erosion of the rich and diverse cultures and traditions of the people. It has impacted not only the people's right to life, food, water, property, quality standard of living, and self-determination, but also the survival of a cultural heritage and patrimony of the nation.

60. The islands are under threat of drowning due to sea level rise and severe weather events. Families adversely affected by these climatic phenomena include women; many of them are heads of families. In recent years, the participation of women in the climate and disaster risk management has increased through the evident number of women that are now being invited to join such trainings and meetings involving these relevant topics. Micronesia is of the view that women's

involvement in the development of the policy and programmes on disaster risk reduction and climate change is essential.

Issue No. 22

61. It is acknowledged that Micronesia is facing enormous constraints in gathering of data to verify the overall implementation of the Convention not because of the unwillingness of the Government to carry out this task but rather due to financial and capacity restrictions in compiling, interpreting and reporting data specific to women issues. This is a recognized gap that needs to be addressed. The Department of Health and Social Affairs is directly responsible to monitor women's rights. In the future, with the assistance of international partners, the department will establish a data collection mechanism to insure that areas covered by the Convention are captured by measurable data. Moreover, the department has, this year, initiated dialogue at the national level reaching out to other departments by encouraging them to submit their data to the statistics office. Where additional data cannot be collected from the statistics office, memorandums of understanding will be entered into with relevant data sources to facilitate sharing of such data that will enable the evaluation of measurable indicators to report on women's status in the country relative to the obligations under the Convention.

Issue No. 23

62. Micronesia is reviewing the advisability of ratifying the Optional Protocol to the Convention.